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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL PASCAZI

Appeal 2010-006231
Application 09/902,466
Technology Center 2600

Before ROBERT E. NAPPI, KALYAN K. DESHPANDE and BRYAN F. MOORE, *Administrative Patent Judges*.

Nappi, Administrative Patent Judge

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the rejection of claims 1 through 3 and 5 through 17.

We affirm.

INVENTION

The invention is directed to a method for transmitting cell phone call signals between two cell towers using an internet protocol interface. *See* Specification page 3. Claim 1 is representative of the claimed invention under appeal and reproduced below:

1. A telephone system for transmitting telephone signals between first and second mobile stations, said system comprising:

a first internet protocol interface configured to receive an incoming cell phone signal generated by the first mobile station, and to transmit said phone signal to the internet; and

a second internet protocol interface configured to receive said phone signal sent through the internet by said first internet protocol interface and to transmit said phone signal to the second mobile station, such that users of the first and second mobile stations can engage in a conversation where said phone signals are communicated over substantial distances through the internet, wherein said first and second internet protocol interfaces each maintain an echo canceller/equalizer module configured to correct distortions in said phone signal caused by the travel of said phone signal through free air, server delays and internet delays.

REJECTION AT ISSUE

The Examiner has rejected claims 1 through 3 and 5 through 17 under 35 U.S.C. § 103(a) as unpatentable over Heinonen (US 6,816,719 B1 (filed

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Nov. 3, 1999)) in view of Klindworth (US 6,771,701 B1 (filed Dec. 29, 1999)). Answer 3-5.¹

ISSUE

Appellant argues on page 10 through 13 of the Brief that the Examiner's rejection of claims 1 through 3 and 5 through 17 is in error.² These contentions present us with the following issues:

- 1) Did the Examiner error in finding that the skilled artisan would add an echo cancelation mechanism to Heinonen's system?
- 2) Does Heinonen's disclosure teach away from using the echo cancelation system?

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's contentions that the Examiner has erred. Further, we have reviewed the Examiner's response to Appellant's arguments.

We disagree with Appellant's conclusions. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief. The Examiner has provided a comprehensive response to Appellant's arguments on pages 5 and 6 of the Answer. Appellant's arguments center on Heinonen merely transmitting profile information. Brief 11, 13, Reply Brief 10. The

¹ Throughout this opinion we refer to the Examiner's Answer mailed on February 16, 2010.

² Throughout this opinion we refer to the Replacement Appeal Brief dated December 21, 2009, and Reply Brief dated April 13, 2010.

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Examiner finds that it is inherent in Heinonen's system that the terminals are used to engage in a conversation. Answer 5. We concur with the Examiner's findings as they are supported by the disclosure Heinonen. We note that Heinonen teaches that the mobile terminals can communicate over the Internet via voice over IP (i.e. the terminals carry conversation data over the Internet), *see* col. 6, 1-9. Thus, we are not persuaded that the Examiner erred in finding that the skilled artisan would combine the echo cancellation with Heinonen. Further, as Heinonen also discusses voice communication, we are not persuaded of error by Appellant's arguments directed to Heinonen teaching away from the combination of the references. Accordingly, we concur with the conclusion reached by the Examiner that the claims are obvious.

CONCLUSION

The Examiner has not erred in rejecting 1 through 3 and 5 through 17 under 35 U.S.C. § 103.

DECISION

The Examiner's rejection of claims 1 through 3 and 5 through 17 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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